

**AMERICAN SOCIETY
OF SAFETY ENGINEERS**

1800 East Oakton Street
Des Plaines, Illinois 60018-2187

847.699.2929
FAX 847.296.3769
www.asse.org

June 26, 2002

Mr. Marvin Nichols
Director
Office of Standards, Regulations and Variances
Mine Safety and Health Administration
U.S. Department of Labor
1100 Wilson Blvd., 21st Floor
Arlington, VA 22209-3939

VIA E-MAIL: comments@msha.gov

RE: Comment on "Measuring and
Controlling Asbestos Exposure,"
Advance Notice of Proposed
Rulemaking (67 **ER** 15134; March 29,
2002)

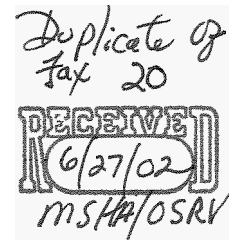
Dear Mr. Nichols:

The American Society of Safety Engineers (ASSE) offers the following comments concerning the Mine Safety and Health Administration's (MSHA) Advance Notice of Proposed Rulemaking concerning occupational exposure to asbestos published in the March 29, 2002 Federal Register.

Founded in 1911, the non-profit ASSE is the oldest and largest organization representing safety professionals and is committed to protecting people, property and the environment. Among the ASSE's thirteen practice specialties is a section devoted to mine safety and health. The Society shares MSHA's desire to protect the health and safety of all miners and recognizes the need to control hazardous exposures to asbestos-containing products and materials. ASSE requests that these comments be included in the formal rulemaking record.

PELs

While the Society supports lowering the Permissible Exposure Limit (PEL) to 0.1 f/cc as proposed in the rule, it is critical that only real asbestos be regulated under the new



AB24-Comm-21

Technical and Economic Feasibility

ASSE consistently supports sound science and analysis of the technical and economic feasibility of all MSHA rules. The Society urges that the agency review critically the technical feasibility of any future asbestos standard in accordance with the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act and fully comply with the new U.S. Department of Labor guidelines for ensuring and maximizing the quality, objectivity, utility and integrity of information that forms the basis for regulatory decisions. *See* DOL Draft Information Quality Guidelines, published May 1, 2002. Inappropriate or arbitrary decisions concerning the classification of minerals based on flawed scientific conclusions create a potential discontinuity between OSHA and MSHA in the regulation of the same substances and, more importantly, fail to provide health and safety benefits for miners.

Thank you for your consideration of the Society's perspective.

Sincerely,

A handwritten signature in black ink, appearing to read "M.E. Greer", is displayed on a light gray rectangular background.

M.E. Greer, CSP
Society President 2001-2002

cc: Adele Abrams, Esq., CMSP
ASSE Federal Affairs Representative
